



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

JEFFER, MANGELS, BUTLER & MARMARO, LLP
1900 AVENUE OF THE STARS
7TH FLOOR
LOS ANGELES CA 90067

COPY MAILED

JAN 18 2007

OFFICE OF PETITIONS

In re Application of :
Weirather et al. : DECISION ON PETITION
Application No. 09/158,308 :
Filed: September 22, 1998 :
Attorney Docket No.67134-5022 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed October 25, 2006.

The petition is **DISMISSED AS MOOT.**


A review of the record confirms that a non-final Office action was mailed in the above-identified application on March 2, 2006. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). On June 5, 2006 (certificate of mailing June 2, 2006), applicants timely responded with the filing of a non-final amendment. However, by Notice of Non-Compliant Amendment (37 CFR 1.121) mailed July 20, 2006, applicants were advised that the amendment needed correction. This Notice set the longer period of one month for reply, with extensions of time obtainable under 1.136(a). On October 25, 2006, applicants filed a response, made timely by an accompanying petition (and fee) for extension for response within the third month.

In view thereof, this application is not abandoned.

As consideration of the petition under 1.137(b) is unnecessary, no petition fee has been charged.

Technology Center AU 1734 has been advised of this decision. The application is, thereby, forwarded to the Technology Center for consideration in due course of the response filed October 25, 2006.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions